

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Independent claims 29, 35 and 36 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

Further, claims 37, 39 and 40 have been cancelled and claim 38 has been amended to depend from claim 29 in view of the cancellation of claim 37.

Claims 29, 30, 32, 33, 35-37, 39 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson (U.S. 6,538,698). Claim 31 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Miyasaka et al. (U.S. 5,493,647). Further, claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson. Claims 37-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Fan et al. (U.S. 6,757,081). These rejections are believed clearly inapplicable to amended independent claims 29, 35 and 36 and claims 30-34 and 38 that depend therefrom for the following reasons.

Amended independent claim 29 recites an imaging device including an information button operable to (1) input auxiliary information indicating a degree of importance of digital data, according to user operation. Further, claim 29 recites a selection unit operable to (2) select an instruction of how to record the auxiliary information for (i) an important scene, (ii) a change of shooting location, and (iii) a predetermined time. In addition, claim 29 recites a digital data generation device operable to (3) combine auxiliary information (received at a time when the auxiliary information is received and an image is captured and converted into an image signal)

with first digital data corresponding to the image captured and converted, wherein the combining is performed according to the instruction selected by the selection unit, to produce second digital data comprising the combined auxiliary information and first digital data. Anderson, Fan and Miyasaka, or any combination thereof, fail to disclose or suggest above-mentioned distinguishing features (1)-(3) as recited in independent claim 29.

Rather, Anderson teaches a user tag 715 including labels specified by a user for a given image (see col. 5, lines 62-65).

Thus, in view of the above, it is clear that Anderson teaches a user tag including a user specified label, but does not disclose or suggest an information button operable to input auxiliary information indicating a degree of importance of digital data, according to user operation, as required by claim 29.

In addition, although Anderson teaches a user specified label, it is clear that Anderson does not disclose or suggest a selection unit operable to select an instruction of how to record the auxiliary information for (i) an important scene, (ii) a change of shooting location, and (iii) a predetermined time, as recited in claim 29.

Moreover, it is also clear that Anderson's disclosure of using a user specified label is not a disclosure or suggestion of combining, at a time when the auxiliary information is input and an image is captured, (i) the auxiliary information received (from the information button) at the time with (ii) first digital data corresponding to the image captured at the time, according to the instruction selected by the selection unit, as recited by claim 29.

Regarding the Miyasaka reference, which was only cited for teaching the features of dependent claim 31, it is also clear that Miyasaka also fails to disclose or suggest above-mentioned distinguishing features (1)-(3), as required by claim 29.

Regarding the Fan reference, which was cited for teaching the features of dependent claims 37-40, it is also clear that Fan also fails to disclose or suggest above-mentioned distinguishing features (1)-(3), as required by claim 29. It is noted that, in the rejection of claims 37-40, Fan was specifically cited for teaching "a degree of importance."

Specifically, Fan teaches that if a level of gradient values falls above or below a threshold value, then an image is assigned a specific color (see col. 10, lines 40-62, as cited in the Office Action). However, Fan still fails to disclose or suggest information button operable to input auxiliary information indicating a degree of importance of digital data, according to user operation, as required by claim 29. In addition, Fan also fails to disclose or suggest above-mentioned distinguishing features (2) and (3), as required by claim 29.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 29 and claims 30-34 and 38 that depend therefrom would not have been obvious or result from any combination of Anderson, Miyasaka and/or Fan.

Furthermore, there is no disclosure or suggestion in Anderson, Miyasaka and/or Fan, or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Anderson, Miyasaka and/or Fan to obtain the invention of independent claim 29. Accordingly, it is respectfully submitted that independent claim 29 and claims 30-34 and 38 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 35 and 36 are directed to a method and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 29 (e.g., the auxiliary information input (based on a user operation) indicating a degree of importance of digital data, selecting an instruction for recording the auxiliary information, and combining the auxiliary information with the first digital data, according to the selected instruction). Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 35 and 36 are allowable over Anderson, Miyasaka and Fan.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Toshiya TAKAHASHI

/Andrew L. Dunlap/

By: 2008.07.23 17:14:57 -04'00'

Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicant

ALD/led  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
July 23, 2008